

WMN:TSS:PEN  
F. #2012R01133/OCDETF #NYNYE700

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

- against -

SERGIO HERNANDO ARCINEGAS,  
JAVIER IGNACIO GONZALEZ-OROSCO,  
also known as "Javi,"  
"Enano" and "Nomeni,"  
OSCAR HERNANDO-GOMEZ,  
CESAR OMAR LOPEZ-MARTINEZ,  
also known as "Horacio," and  
JUAN CARLOS PASTRANA,  
also known as "Dieta,"

Defendants.

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THE GRAND JURY CHARGES:

COUNT ONE

(International Cocaine Distribution Conspiracy)

1. On or about and between September 1, 2007 and September 20, 2012, both dates being approximate and inclusive, within the extraterritorial jurisdiction of the United States, the defendants SERGIO HERNANDO ARCINEGAS, JAVIER IGNACIO GONZALEZ-OROSCO, also known as "Javi," "Enano" and "Nomeni," OSCAR HERNANDO-GOMEZ, CESAR OMAR LOPEZ-MARTINEZ, also known as "Horacio," and JUAN CARLOS PASTRANA, also known as "Dieta," together with others, did knowingly and intentionally conspire to distribute a controlled substance, intending and knowing that

I N D I C T M E N T  
**CR 12 - 602**

(T. 21, U.S.C., §§  
853(a), 853(p), 959(c),  
960(b)(1)(B)(ii) and  
963; T. 18, U.S.C.,  
§ 2, 3238 and  
3551 et seq.)

VITALIANO, J.

POLLAK, M.J.

such substance would be unlawfully imported into the United States from a place outside thereof, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, contrary to Title 21, United States Code, Sections 959(a) and 960(a)(3).

(Title 21, United States Code, Sections 963, 959(c) and 960(b)(1)(B)(ii); Title 18, United States Code, Sections 3238 and 3551 et seq.)

COUNT TWO

(Attempted International Distribution  
of Approximately 1,700 Kilograms of Cocaine)

2. On or about and between March 1, 2008 and March 31, 2008, both dates being approximate and inclusive, within the extraterritorial jurisdiction of the United States, the defendants SERGIO HERNANDO ARCINEGAS, JAVIER IGNACIO GONZALEZ-OROSCO, also known as "Javi," "Enano" and "Nomeni," OSCAR HERNANDO-GOMEZ, CESAR OMAR LOPEZ-MARTINEZ, also known as "Horacio," and JUAN CARLOS PASTRANA, also known as "Dieta," together with others, did knowingly and intentionally attempt distribute a controlled substance, intending and knowing that such substance would be unlawfully imported into the United States from a place outside thereof, which offense involved five

kilograms or more of a substance containing cocaine, a Schedule II controlled substance, contrary to Title 21, United States Code, Sections 959(a) and 960(a)(3).

(Title 21, United States Code, Sections 963, 959(c) and 960(b)(1)(B)(ii); Title 18, United States Code, Sections 2, 3238 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION AS TO  
COUNTS ONE AND TWO

3. The United States hereby gives notice to the defendants charged in Counts One and Two that, upon conviction of any such offenses, the government will seek forfeiture in accordance with Title 21, United States Code, Section 853(a), which requires any person convicted of such offenses to forfeit any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of such offenses, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such offenses.

4. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the court;

(d) has been substantially diminished in value; or


(e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 21, United States Code, Sections 853(a) and 853(p))

A TRUE BILL

  
FOREPERSON

  
LORETTA E. LYNCH  
UNITED STATES ATTORNEY  
EASTERN DISTRICT OF NEW YORK

**UNITED STATES DISTRICT COURT**

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THE UNITED STATES OF AMERICA

-against-

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Defendants.

I N D I C T M E N T

Cr. No. \_\_\_\_\_  
(T. 21, U.S.C., §§ 853 (a), 853 (p), 959(c),  
960(b)(1)(B)(ii) and 963;  
Title 18, U.S.C., §§ 2, 3238 and et seq.)

A true bill.

Milton Wilson Foreman  
Filed in open court this \_\_\_\_\_ day.  
Of \_\_\_\_\_ A.D. 20\_\_\_\_

Clerk

Bail, \$ \_\_\_\_\_

PATRICIA NOTOPOULOS (718) 254-6354